

HOUSE BILL NO. 384
INTRODUCED BY BERGENE

IN THE HOUSE

January 23, 1985	Introduced and referred to Committee on Local Government.
February 15, 1985	Committee recommend bill do not pass.
February 16, 1985	Objection to adverse committee report.
February 18, 1985	Bill printed and placed on members' desks.
February 19, 1985	Second reading, pass consideration until 40th Legislative Day.
February 21, 1985	Second reading, do pass as amended.
February 22, 1985	Correctly engrossed.
February 23, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 25, 1985	Introduced and referred to Committee on Local Government.
March 20, 1985	Committee recommend bill be concurred in. Report adopted.
March 22, 1985	Second reading, concurred in.
March 25, 1985	Third reading, concurred in. Ayes, 46; Noes, 3. Returned to House.

IN THE HOUSE

March 26, 1985

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

1 days thereafter, pass and adopt a resolution providing for
2 such annexation.

3 (b) Such resolution shall recite that a petition has
4 been filed with the said council or other legislative body
5 with a sufficient number of signatures of 33 1/3% of the
6 resident freeholder electors of the territory proposed to be
7 annexed; a description of the boundaries of the territory or
8 territories to be annexed; a copy of the resolution ordering
9 a general or special election thereof, as the case may be; a
10 copy of the notice of such election; the time and result of
11 the canvass of the votes received in favor of annexation and
12 the number thereof cast against annexation; and that the
13 boundaries of such city or town, by such resolution, shall
14 be extended so as to embrace and include such territory or
15 territories as the same are described in the petition for
16 annexation, which said resolution shall be incorporated in
17 the minutes of said council or legislative body.

18 (2) A resolution adopted pursuant to 7-2-4601(3) must
19 include a statement that a petition has been filed with the
20 governing body containing the signatures of more than 50% of
21 the resident freeholder electors or the owners of all of the
22 territory to be annexed; a description of the boundaries of
23 the territory to be annexed; and a statement that the
24 boundaries of the municipality are to be extended to include
25 the territory described in the petition for annexation. The

1 resolution shall be incorporated in the minutes of the
2 governing body. Upon incorporation in the minutes, the
3 resolution must be filed and becomes effective as provided
4 in 7-2-4607."

-End-

ON LOCAL GOVERNMENT

RECOMMEND DO NOT PASS
OBJECTION RAISED TO
ADVERSE COMMITTEE REPORT

1 HOUSE BILL NO. 384
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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT AN
5 ELECTION ON THE QUESTION OF WHETHER TO ANNEX IS NOT
6 NECESSARY IF ALL THE PROPERTY OWNERS IN THE TERRITORY TO BE
7 ANNEXED HAVE SIGNED THE ANNEXATION PETITION; AMENDING
8 SECTIONS 7-2-4601 AND 7-2-4606, MCA."
9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 7-2-4601, MCA, is amended to read:
12 "7-2-4601. Annexation by petition. (1) The boundaries
13 of any incorporated city or town, whether heretofore or
14 hereafter formed, may be altered and new territory or
15 territories annexed thereto, incorporated and included
16 therein, and made a part thereof upon proceedings being had
17 and taken as provided in this part.

18 (2) The council or other legislative body of any such
19 municipal corporation, upon receiving a written petition
20 therefor containing a description of the new territory or
21 territories asked to be annexed to the corporation and
22 signed by not less than 33 1/3% of the registered electors
23 of the territory proposed to be annexed, must without delay
24 submit to the electors of the municipal corporation and to
25 the registered electors residing in the territory or

1 territories proposed by the petition to be annexed to the
2 corporation, the question whether the new territory or
3 territories shall be annexed to, incorporated in, and made a
4 part of the municipal corporation.

5 (3) (a) The governing body of a municipality need not
6 submit the question of annexation to the qualified electors
7 as provided in subsection (2),--upon--receiving if it has
8 received a written petition containing a description of
9 territory requested to be annexed and signed by:

10 (i) more than 50% of the resident freeholder electors
11 of the territory to be annexed; ~~need--not--submit--the~~
12 ~~question-of-annexation-to-the-qualified-electors-as-provided~~
13 ~~in-subsection-(2); or~~

14 (ii) all the owners of property in the territory to be
15 annexed.

16 (b) The governing body may approve or disapprove the a
17 petition submitted under the provisions of subsection (3)(a)
18 upon its merits. When the governing body approves the
19 petition, it shall pass a resolution providing for the
20 annexation."

21 Section 2. Section 7-2-4606, MCA, is amended to read:
22 "7-2-4606. Resolution of annexation. (1) (a) If it is
23 found that a majority of votes were cast in favor of the
24 annexation, the city or town council or other legislative
25 body shall, at a regular or special meeting held within 30



1 days thereafter, pass and adopt a resolution providing for
2 such annexation.

3 (b) Such resolution shall recite that a petition has
4 been filed with the said council or other legislative body
5 with a sufficient number of signatures of 33 1/3% of the
6 resident freeholder electors of the territory proposed to be
7 annexed; a description of the boundaries of the territory or
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THIRD READING
HB 384

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